

Meeting Minutes December 14, 2006

Town of Los Altos Hills City Council Regular Meeting

Thursday, December 14, 2006 6:30 P.M.
Town Hall Council Chambers, 26379 Fremont Road

1. CALL TO ORDER, ROLL CALL, AND PLEDGE OF ALLEGIANCE

Mayor Warshawsky called the City Council Regular Meeting to order at 6:35 p.m. in the Council Chambers at Town Hall.

Present: Mayor Dean Warshawsky, Mayor Pro Tem Craig A.T. Jones, Councilmember Breene Kerr, Councilmember Jean Mordo and Councilmember Mike O'Malley

Absent: None

Staff: City Manager Carl Cahill, City Attorney Steve Mattas (joined meeting at 8:30 p.m.), Assistant City Attorney John Bakker, Administrative Services Director Sarah Ragsdale, Public Works Director/City Engineer Henry Louie, Planning Director Debbie Pedro, Parks and Recreation Supervisor Tod McLemore and City Clerk Karen Jost

Captain Terry Calderone, Santa Clara County Sheriff's Department led the meeting participants and audience in the pledge of allegiance.

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Mordo and passed unanimously to limit comments from the floor to three minutes.

2. APPOINTMENTS AND PRESENTATIONS

2.1 Resolution Declaring Canvass of Returns and Results of General Municipal Election held on Tuesday, November 7, 2006

Council had before them the resolution declaring the canvass of returns and results of the General Municipal Election held on November 7th for the purpose of electing two members to the City Council. The Clerk explained that pursuant to the State of California Election Code§ 15400, adoption of the resolution would accept the Statement of Votes and Certification of Election Results and declare the totals as prepared by the Registrar of Voters to be the final results of the election. A copy of the official Certificate of Election Results from the Registrar was included as an attachment to the resolution.

MOTION SECONDED AND CARRIED: Moved by Mordo, seconded by O'Malley and passed unanimously to adopt Resolution # 115-06 "Declaring Canvass of Returns and Results of General Municipal Election held on Tuesday, November 7, 2006."

2.2 Administering the Oath of Affirmation and Seating of the Newly Elected Councilmembers

The City Clerk administered the Oath of Affirmation to newly elected Councilmembers Dean Warshawsky and Breene Kerr and presented each with a Certificate of Election. The Clerk explained that in her capacity as the Town's election official, she had numerous duties and obligations but administering the oath of office following the completion of the election cycle was the highlight of her responsibilities.

Mayor Warshawsky thanked his wife LeeAnn and son Jake who were in the audience for their support during the election. Master Jake joined his father during the swearing in ceremony and was a special addition to the occasion. Warshawsky acknowledged the efforts of his campaign supporters and added that he was looking forward to the next four years.

Councilmember Kerr thanked his constituents and campaign members for their efforts during the recent election. He was appreciative of their volunteer support and commitment to his campaign.

2.3 Introduction of Michael Sanders, Los Altos Hills County Fire District Emergency Services Coordinator – Duffy Price, Vice President LAHCFD

Duffy Price, Vice President LAHCFD, addressed Council. She presented an overview of the many services provided by the Fire District that included: development of an emergency preparedness plan and services for the community; bush chipping program that had been extended to a twice yearly service for residents; and, the maintenance of pathway fire roads which had been requested by the Town.

Price explained that in coordination with City Manager Cahill, Public Safety Officer Garcia and a councilmember, the District had recently funded a new part time position from the Santa Clara County Fire Department to work in the District to coordinate emergency services for the area. The Fire District boundaries include the Town and Unincorporated area.

Price introduced Michael Sanders, LACFD Emergency Services Coordinator. Sanders, a retired Fire Captain, thanked the Council for the opportunity to introduce himself. He summarized his duties and emergency preparedness programs under development that included classes tentatively scheduled to be held at the El Monte Fire Station. Sanders offered that he was looking forward to the opportunity to commence his work with the residents and Town Public Safety Officer Garcia.

Dru Anderson, Emergency Communications Committee Chair, commented that her committee was looking forward to joining Mr. Sanders in his emergency preparedness

endeavors. Anderson noted that the ECC membership has grown to nineteen (19) licensed amateur radio operators and four associate members.

2.3 Presentation of Proposed Improvements at Bullis School –
Superintendent Tim Justus, Los Altos School District

Mr. Justus was unable to attend the meeting due to a scheduling conflict. His presentation was continued to a future meeting.

3. PLANNING COMMISSION REPORT

No report. The next regular regularly scheduled meeting of the Planning Commission is January 4, 2006.

COUNCIL RECESSED 8:25 p.m.

COUNCIL RECONVENED TO OPEN SESSION 8:35 p.m.

4. CONSENT CALENDAR

Item removed: 4.3 (Mordo)

MOTIONED SECONDED AND CARRIED: Moved by Mordo, seconded by O'Malley and passed unanimously to approve the remainder of the consent calendar, specifically:

4.1 Approval of Minutes: Regular City Council Meeting November 9, 2006
Special City Council Meeting November 15, 2006

4.2 Review of Disbursements: 11/1/2006 – 12/5/2006 \$650,334.36

4.4 Approval of Amendments to Personnel Policy Manual and Employee Benefits Plan – Resolution #117-06

4.5 Acceptance of the 2006 Bleacher Replacement Project – Resolution #118-06

Item Removed:

4.3 Monthly Financial Report

Councilmember Mordo requested clarification on the absence of revenues in the report. Administrative Services Director Ragsdale explained that the franchise fees were collected once a year and property tax allocations were received by the Town at approximately the same time as when tax bills were paid.

MOTION SECONDED AND CARRIED: Moved by Mordo, seconded by O'Malley and passed unanimously to receive and file the Monthly Financial Report dated October 31, 2006.

5. UNFINISHED BUSINESS

5.1 Town Goals

5.1.1 Public Education: Bring the Future of Public Education to a Vote

5.1.1a Report on District Reorganization December 7th Hearing Before the County Committee and Discussion of Re-entering Negotiations into Possible Settlement in Regards to Public Education in Los Altos Hills

Mayor Pro Tem Jones presented a PowerPoint presentation titled “Educational District Reorganization: an Update.” He commented that Council and many members of the audience were in attendance at the December 7th hearing and his report would focus on his interpretation of the session.

Jones explained that the Town had stated their first choice and priority to create a Los Altos Hills K-8 school district with high school attendance or solely to Gunn High to the County Committee. Benefits of this option included local control, permanence and the greatest chance of innovation and attention to providing a great education to LAH children. Jones spoke to the inspirational and supportive comments made by various resident speakers in support of redistricting. He offered that this remained the Town’s primary goal.

Comments made by the County Committee had been limited but he believed there was a consensus among them that the issue be resolved locally. Jones explained that the Committee members did not have the brief prepared by the Town and their consultants. The County staff had not distributed the brief and some of the questions asked that evening had been answered in the materials. He was hopeful that they would have an opportunity to review the documents in detail prior to the second hearing scheduled for January 25th.

Jones suggested that structural solutions should be considered by the Town as possible alternative solutions to redistricting. A territory transfer for the entire Town or all except the Loyola attendance area was one option. This would provide more critical mass and unite the Town in attendance at the same elementary and middle school.

Jones believed that the Committee had directed the Town towards a negotiated solution. He reiterated the key element that would be necessary to make an agreement acceptable; a permanent elementary school that was available to all residents of the Town. Jones noted that during negotiations last spring, a proposed term sheet endorsed by several of the negotiating parties had attempted to achieve this solution but failed due to lack of action by the Los Altos School District.

Jones reviewed the remaining options which he deemed unacceptable: status quo and any outcome that would not provide access to Palo Alto Unified School District for high school. Jones added that the consensus of most residents was that there was something

very wrong with the status quo that divided the Town between two districts and offered no permanence to a neighborhood elementary school.

In summary, Jones evaluated the direction provided by the County Committee. They wanted a negotiated solution with the onus on the School Districts and the Town. In consort with the Mayor, Jones had sent an email to Los Altos School District (LASD) Superintendent Justus on December 8th requesting a meeting. The initial meeting had been delayed by Justus due to a scheduling conflict but Jones was hopeful that they would meet and both he and the Mayor would continue to pursue multiple avenues to a solution.

Jones listed his recommendations for additional follow-up actions to the initial hearing before the County Committee: 1) answer the County Committee's questions that had been broached at the hearing; 2) aggressively pursue negotiations with the Districts if they were willing with the goal being a permanent Los Altos Hills public elementary school that could be attended by all Town families; and, 3) investigate other structural improvements including territory transfers, trusteeship, the possibility of an "open border policy" or super IDT (inter district transfer) and attendance planning. Jones noted that territory transfers and trusteeships were the jurisdiction of the County Committee. He suggested that it might be of value to survey the residents on the concept of territory transfers.

Councilmember Mordo commented that he was of the opinion that it would be best for the Council to be realistic regarding the potential action of the County Committee and suggested that they would most likely reject the Town's petition. He favored the Town moving forward with negotiations with Los Altos School District to garner a firm commitment for the Bullis-Purissima school site and an agreement with Palo Alto Unified School District for inter-district transfers.

Councilmember O'Malley concurred that the session with the County Committee had been illuminating. He felt it was important to insure that the Bullis Charter School was included in any agreement that was brokered with the Los Altos School District.

Councilmember Kerr voiced his disappointment that the County Committee had not received the detailed document that had been compiled by the Ad Hoc Committee, volunteers, consultants and the Town's education attorney. He was hopeful that with the continuation of the hearing, they would have the opportunity to review it. Kerr added that he was interested in hearing the position of the Los Altos School District. He spoke to their most recent dealing with the Town and the Bullis site. To-date, he was frustrated with their initial plans for the Bullis campus. He disagreed with their statements that they had solicited input from the Town on the design and felt there had been no concerted effort to make the campus unique to the Town. Kerr agreed that the Bullis Charter School was an important and valuable asset to the community that needed to be protected. He expressed his support for Mayor Pro Tem Jones efforts.

Mayor Warshawsky offered that he was more optimistic following the hearing. The County Committee could have denied the petition on December 7th but continued the

hearing. Warshawsky wished there had been more structure to the session but believed there was now an opportunity for Mayor Pro Tem Jones to respond to their questions. He added that it was positive that the Committee had “pushed” for a negotiated settlement but he was disappointed that they had not recommended a format for the process and queried what would be the best way to approach the Districts?

Mayor Pro Tem Jones explained that the County Committee had directed both the Town and the Districts to negotiate. He suggested that the Town should approach the Los Altos School District and Palo Alto Unified School District with a set of goals, enunciate the goals and then be willing to listen to what they suggest was possible and what elements they were willing to negotiate on, consistent with the Town’s goals. Jones noted that the Mayor, community member Chris Vargas, Planning Commissioner Dr. Bart Carey and he would be working on the process. The results of the negotiation efforts would be reported back to the County Committee.

Council discussion ensued. Consensus was to support the negotiating team and their efforts with the Districts prior to the January 25th County Committee hearing. They concurred that the status-quo was not acceptable.

5.1.1b Request for Funding to Amend Approved Budget for the
AHCDR- Mayor Pro Tem Jones

Mayor Pro Tem Jones explained that the original budget of \$70,000 had been exceeded. Expected donations had not been realized and preparation for the hearing had required additional consulting time and legal expenses. Jones requested Council consideration of additional funding for outside resources for consultants including: financial, legal and lobbying. No staff time had been involved in the effort. He requested \$50,000 to cover expenses for charges incurred and \$45,000 for consultant costs to January 25th. He was hopeful that costs would be below the estimate and announced that approximately \$17,000 in donations to the Town to defer costs had been collected.

MOTION SECONDED AND CARRIED: Moved by O’Malley, seconded by Mordo and passed unanimously to approve funding of \$95,000.00 for the AHCDR expenses.

5.1.1c Consideration of Private Donations to Assist with the District
Reorganization Effort

City Attorney Steve Mattas explained that the Town as an entity could accept private donations/contributions and when they were used exclusively for public purposes would be tax deductible. He clarified that the Town did not provide tax advice and donors would have to consult their own advisors but that the Town could structure the expenses so that they would be identifiable as appropriate for tax deductions or not.

5.1.2 Underground Utilities: Complete Pilot Projects and Assist
Underground Assessment Districts

City Engineer/Public Works Director Louie advised Council that the projects were on time.

5.1.3 Sanitary Sewers: Update and Implement the Master Plan

5.1.3a Consideration of Agreement and Award of Contract for Wireless Sewer Flow Monitoring for Los Altos Basin –

City Engineer/Public Works Director Henry Louie introduced this item to Council. Louie explained that the project before Council for their consideration was the installation of three flow monitoring stations at various locations in Town. The meters would assist the staff in assessing the existing sewer flow conditions and capacity in the Los Altos Sewer Basin. The three stations would eventually become permanent stations which would fulfill a requirement of the future Sewer Agreement with the City of Los Altos.

Councilmember Mordo requested clarification of the contract fee for maintenance of the monitoring stations. Louie explained that the charges were temporary and expectation was for staff to maintain the sites.

MOTION SECONDED AND CARRIED: Moved by Kerr, seconded by O'Malley and passed unanimously to approve Resolution #119-06 "Awarding a Contract for Wireless Sewer Flow Monitoring for Los Altos Sewer Basin" for a not to exceed amount of \$43,050.00.

5.1.3b Consideration of Formation of Ad Hoc Committee on Implementation of the Sanitary Sewer Master Plan –

Councilmember O'Malley expressed his interest in the formation of an Ad-Hoc Committee with one-two Councilmembers and resident volunteers to investigate the implementation of the Sanitary Sewer Master Plan. The Committee's charter and function would be similar to the Ad-Hoc Undergrounding Committee. O'Malley volunteered to serve on the Committee.

City Engineer Louie advised that the draft report (SSMP) should be delivered to staff in late January.

MOTION SECONDED AND CARRIED: Moved by Jones, seconded by Kerr to approve the formation of an Ad-Hoc Committee under the direction of Councilmember O'Malley.

The City Clerk was directed to advertise for members and to schedule their appointment for a meeting in February. Councilmember O'Malley offered to draft a charter of the committee and return the proposal to Council for consideration at the January 11, 2007 meeting. Efforts would be made to appoint members from different geographical areas of Town.

5.1.4 Wireless Communications: Continue to Improve Townwide

Cell Coverage

Planning Director Debbie Pedro reported that construction of the Verizon/T-Mobile collocated cell facility site at Westwind Barn was expected to be completed in the next two-three weeks. The equipment boxes were scheduled to be painted a dark color and landscaping was planned to mitigate the site.

5.1.5 Complete General Plan Review

Councilmember O'Malley reported that the General Plan Update was on schedule. He expected the Introduction, Conservation Element, Parks and Recreation Element and Open Space Element to be forwarded to the Planning Commission for their initial review in late January.

5.1.6 Develop Plan For and Begin the Process of Approval of the Building of a New Town Park/Recreation Facility

Mayor Pro Tem Jones introduced this item to Council. He noted that no action would be taken on the Bullis-Playing fields proposal at tonight's meeting. Jones explained that the Parks and Recreation Committee with liaison Councilmember O'Malley were currently investigating the different possibilities to expand the recreational opportunities for the Town. Simultaneous with the Committee's review, the Los Altos School District was moving forward with plans for the improvements to the Bullis Purissima site. Council would have an opportunity to hear a more detailed report from Superintendent Justus at a future meeting. Expectation was that the Council might have to make a decision regarding any investment in the playing field improvements in early 2007.

Jones proceeded with a PowerPoint presentation that highlighted the questions pertaining to Council consideration of investing funds in the improvement of the upper fields at Bullis. Questions included: identification of Town recreation goals; local control and cost of fields; and, type of field needed. He noted that consideration of this proposal to improve the site should be reviewed as a separate issue from redistricting.

Jones summarized his presentation by noting that pursuing the project could potentially be a cost effective way to increase recreational facilities for the Town quickly and would free up resources for other recreation priorities. He suggested that the specific proposal from the Los Altos School District should be reviewed by the Finance and Investment Committee and the recreational needs of the community, identified by the Parks and Recreation Committee.

Mayor Warshawsky offered that it was difficult to discuss the proposed improvements without the specifics and presentation by the District. City Manager Cahill explained that in discussions with Justus, the District had identified a package of improvements not exclusively the fields. City Engineer Louie added that included in their proposal was funding for storm drain improvements at the site with an estimated cost of \$150,000.

Councilmember Mordo commented that the proposed project was costly but potentially the most cost effective way to get a first rate soccer field in Town. He noted that other recreational proposals were being investigated including participation in a community pool and the restoration of Westwind Community Barn. He suggested that it would be beneficial to prioritize the recreational needs of the community and suggested surveying Town residents.

Councilmember O'Malley explained that the Parks and Recreation Committee were currently reviewing the use of one of the playing fields at Purissima as a multi-use field. Initial discussion with the Little League had been held and they were receptive to the proposal.

Council discussion ensued. There was a general consensus that prioritizing recreation alternatives and developing a master plan (three year) would be beneficial and supported the development of a survey by the Parks and Recreation Committee and staff to be mailed to residents. Council concurrence was that a full soccer field was a top priority.

5.2 Consideration of Award of Contract: The Moody Road Pathway Segment #1B and Moody/El Monte Roads Pathway Segment #2 at Foothill College –

City Engineer/Public Works Director Henry Louie introduced this item to Council. He proceeded with a PowerPoint presentation titled "Pathway Project Funding Overview." Projects included in his summary included: Moody Road Pathway (Segments 1A and 1B); Foothill College Bike/Pathway (Segment 2); Robleda Road Pathway; and, Paseo del Roble Pathway Bridge. Louie had prepared a funding overview of the pathway projects with funding sources, project expenditures, Engineer's cost estimates, actual construction costs and suggested resource possibilities for the additional funding needed to complete the projects. He offered that the project costs had increased as the project scopes had been changed and construction costs had risen.

Councilmember Kerr thanked Louie for his presentation. He suggested that the Council consider approving the Moody Road Pathway Segment #1B Project and Robleda Pathway Project and defer their decision on the Foothill College Bike/Pathway. Kerr wanted to revisit funding for the Foothill College project with the Valley Transportation Agency (VTA). They had been apprised of the project's increased costs and were sympathetic to the situation. Similar projects were also receiving construction bids over the engineer estimates. He requested additional time to work with the VTA, City Manager and City Engineer and to return to Council in January following his discussions with the agency.

MOTION SECONDED AND CARRIED: Moved by Kerr, seconded by Jones and passed unanimously to approve Resolution #120-06 "Awarding a Contract for the Construction of Moody Road Pathway Segment #1B Project" to HRS Inc. for the amount of \$425,660.00.

Council reopened discussion of agenda item 5.2 at 10:50 p.m. prior to adjourning to Closed Session.

City Attorney Steve Mattas advised Council that staff had confirmed that the bid for the Foothill College Bike/Pathway that Council had deferred expired on approximately December 28, 2006. This would not provide sufficient time for Councilmember Kerr to have effective conversations with the VTA. Mattas reviewed the options before Council that included: 1) a rejection of the bid and re-issuance of the bid during the time that Councilmember and staff were working on the funding; or 2) hold the bid open until December 28th and seek a verbal commitment for funding.

MOTION SECONDED AND CARRIED: Moved by Jones, seconded by Mordo and passed unanimously to reject the bid for Moody/El Monte Roads Pathway Segment #2 at Foothill College and direct staff to re-advertise the project.

5.3 Consideration of Award of Contract: Robleda Road Pathway Improvements Project

Item discussed in conjunction with agenda item 5.2

MOTION SECONDED AND CARRIED: Moved by Kerr, seconded by O'Malley and passed unanimously to adopt Resolution #121-06 "Awarding a Contract for the Construction of Robleda Road Pathway Improvements Project" to Santa Clara Construction Engineering, Inc. for \$167,911.57.

5.4 Survey of Water Conservation Ordinances in Surrounding Communities and Consideration of a Resolution Supporting Water Conservation from the Environmental Initiatives Committee

Planning Director Debbie Pedro introduced this item to Council. Council had before them a staff report that included the findings of a study that had been undertaken by staff at the direction of Council and a resolution supporting water conservation from the Environmental Initiatives Committee (EIC). Staff had researched water conservation ordinances in nine surrounding communities and found that only the Town of Hillsborough currently had a water conservation ordinance in place to regulate landscape water use on single family residences. The communities included: Los Gatos, Monte Sereno, Portola Valley, Woodside, Atherton, Los Altos, Palo Alto, Saratoga and Hillsborough.

Pedro reviewed the key elements of the draft resolution supporting water conservation that was being proposed by the EIC. It resolved that the City Council would support one or more of the following water conservation measures: 1) work with Purissima Hills Water District to inform homeowners of their potential water usage in new landscape projects and to recognize benefits of water efficient landscapes; 2) consider water conserving guidelines for landscape plans associated with new residences; 3) consider incentives for property owners meeting certain water conservation criteria; and 4) promote water conservation through public education.

Council discussion ensued. Mayor Pro Tem Jones expressed his concerns with items 1 and 2 and believed they might prove onerous for the homeowner. He could support items 3 and 4. Councilmember Mordo concurred and suggested that there was a potential problem in adopting a resolution that would be difficult to enforce. Mordo suggested that the only viable method to reduce water consumption was an economic solution. Council consensus was not to move forward with any mandated requirements on landscape water usage.

OPENED PUBLIC COMMENT

John Harpootlian, Planning Commissioner and member of the Environmental Initiatives Committee, commented that the committee was seeking direction from Council. He agreed that the 2nd item would mandate landscaping requirements. Harpootlian supported starting with public education and directing the EIC to continue to work on water conservation solutions.

CLOSED PUBLIC COMMENT

MOTION SECONDED AND CARRIED: Moved by Jones, seconded by Mordo and passed unanimously to adopt Resolution #122-06 "Supporting Water Conservation Measures" with the following modifications: item 1) amended to include the language "without undue burden to the homeowners"; item 2) deleted.

6. NEW BUSINESS

- 6.1 Consideration of Resolution of Necessity Authorizing the Filing of Eminent Domain Proceedings for the Acquisition of an Open Space Restriction Encumbering Property Located at Story Hill Lane at Page Mill Road, APN 182-52-009

City Attorney Steve Mattas introduced this item to Council. He explained that the Resolution of Necessity before Council for their consideration would authorize the Town to institute a condemnation action to be able to obtain the open space covenant that is currently on the property located at Story Hill Lane at Page Mill Road and identified in the staff report. The Town currently owns the base underlying fee in the property and adoption of the resolution would allow the Town to own the property without any encumbrances/covenants on the property. Mattas advised Council that the Town had followed the appropriate statutory prerequisites and notices were both to the Town as the owner and adjacent property owners. He noted that a condemnation hearing was not a customary public hearing but was a hearing for those that might have an interest in the property including the Town and the adjacent property owners. Mattas explained that the Town had been formally notified by one neighbor that they wished to speak on the issue and received a telephone call from an additional neighbor who did not register an interest to speak. By statute, adoption of a Resolution of Necessity required a 2/3 vote (4/5th vote of the Council).

Planning Director Debbie Pedro had prepared a visual presentation of the property's profile to orient the Council on the site. The PowerPoint presentation included an aerial with contour elevations of the property, aerial with adjacent neighbors properties identified and a description and overlay of the open space conservation area on the site. Pedro noted that the approximate development area for the site was 5,000 square feet.

OPENED PUBLIC COMMENT

Raisa Cherkassky, Story Hill Lane, requested assurance that the property would not be used for any commercial enterprise or parking lot but would remain zoned residential. She questioned the value of the property.

Pedro confirmed that it would remain residential. Mattas offered that the property's value was approximately \$1.8 million unencumbered and explained that the Council's action on the Resolution did not approve any development for the site. Any development on the property would require the appropriate discretionary reviews.

Nancy Couperus, Page Mill Road, commented that she believed the open space/conservation easement was placed on the property because of its special features. She questioned if there would be a significant conservation easement on the property.

City Attorney Mattas explained that the actual restriction on the property was a covenant. The condemnation would remove the covenant and allow the property to have as its value the base zoning value as a residential property.

City Manager Cahill offered that due to the property's topography, it was most likely that a portion of the site would be placed in a conservation open space easement.

CLOSED PUBLIC COMMENT

MOTION SECONDED AND CARRIED: Moved by Mordo, seconded by Jones and passed unanimously to adopt Resolution #123-06 "Determining that the Public Interest and Necessity Require the Acquisition of Certain Real Property Interests and Directing the Filing of Eminent Domain Proceedings." (Assessor Parcel Number 182-52-009)

7. REPORTS FROM COMMITTEES, SUB-COMMITTEES, AND COUNCILMEMBERS ON OUTSIDE AGENCIES

7.1 Consideration of Resolution Authorizing an Agreement with Live Oak Associates – Consulting Ecologists for Finalization of the Wildlife Corridor Map for the Town – Roger Spreen, Open Space Committee Chair

Mayor Warshawsky had spoken with Roger Spreen, Open Space Committee Chair prior to the meeting. It was Warshawsky's understanding that the request before Council was to extend the contract for professional services to finalize the map.

Councilmember O'Malley, liaison to the Open Space Committee, concurred and offered that the committee had engaged a professional to review the corridors to ensure that it was fact based and not biased. Mayor Pro Tem Jones added that the purpose of the map was to the identification of existing wildlife migration patterns by a professional. He reiterated that nothing new was being established but the existing corridors clarified.

MOTION SECONDED AND CARRIED: Moved by Jones, seconded by O'Malley and passed unanimously to approve Resolution #124-06 "Authorizing the City Manager to Execute and Agreement with Live Oak Associates for Finalization of the Wildlife Corridor Map."

7.2 Councilmember Appointments to Committees and Outside Agencies

Item continued to January 11, 2007 Regular City Council meeting.

8. STAFF REPORTS

8.1 City Manager

No report.

8.2 City Attorney

No report.

8.3 City Engineer

8.3.1 Consideration of Contract: Engineering and Installation of PV Solar Electric System Expansion (Phase III) at Town Hall – Reso#_____

Item continued to January 11, 2007 Regular City Council meeting.

8.4 City Clerk

8.4.1 Report on Council Correspondence

No Report.

9. COUNCIL-INITIATED ITEMS

9.1 Consideration of Memorial Tile for Dan Alexander – Mayor Warshawsky

MOTION SECONDED AND CARRIED: Moved by Kerr, seconded by Jones and passed unanimously to approve funding for a donor wall memorial tile for Dan Alexander in recognition of his many volunteer contributions to the community and Town

9.2 Consideration of Westwind Barn Subcommittee Recommendation and Resolution Approving Memorandum of Understanding Regarding Westwind Community Barn – Councilmember Mordo

Councilmember O'Malley recused himself from discussion of this item and stepped down from the dais.

Councilmember Mordo, Westwind Community Barn Committee Chair, introduced this item to Council. Council had before them a list of recommendations from the Standing Committee that had been adopted at their December 5, 2006 meeting. A resolution approving a memorandum of understanding (MOU) regarding Westwind Community Barn accompanied the recommendations.

Mordo provided an overview of the Committee's progress on issues relating to the Barn. There was a consensus on governance of the Barn with support for a change. Mordo noted that some concern regarding any potential changes at the facility had been expressed by staff and several boarders had moved their horses and left the Barn. He suggested that it would be beneficial for the Council to adopt a resolution that would give credence to the Council's intention to keep the Barn open and continue with the current programs. The resolution also included financial commitments to the Barn including the use of Verizon cell tower rent for maintenance; dedication of park bond funds to upgrade the equestrian facilities and a commitment from the Town to match private funds with general fund monies for restoration and upgrades of the buildings.

Mayor Pro Tem Jones thanked Councilmember Mordo for his efforts. He offered that several of the elements in the resolution represented a consensus but some represented items that needed to be considered as part of re-negotiation of the contract/lease and would be best considered during closed session. He suggested that it would be appropriate for the Council to adopt a resolution confirming the Town's commitment to maintaining a community Barn in Town; continuation of operation of the Barn as a boarding facility; desire to enhance the recreation programs for Town residences at the facilities; and the continuation of operation of the Barn by an independent party.

Councilmember Kerr noted that the Verizon rent was currently being deposited in an account to potentially be used on improvements of the Barn. He supported 1:1 matching of private donations but the resolution additionally committed park bond monies. Kerr concurred that some of the elements of the resolution would best be addressed during negotiations.

Council discussion ensued. Council supported the adoption of a resolution that reflected a commitment to keeping Westwind Barn open and operating as a barn with boarding facilities. Council consensus was to exclude any exact financial commitments in the resolution but acknowledge that there was a commitment to the restoration of the facility.

City Attorney Steve Mattas offered that the language of the draft resolution could be modified to state that "the City Council, to promote items 1-5 of the resolution would consider the following forms of assistance"; and then modify items 6,7,8 to list the items

in the resolution without any specific financial amounts but retain the concepts of the items. Mattas noted that this would not commit the Town to any financial obligations but would state principles that would be considered as forms of assistance for operation/restoration of the Barn.

Council consensus was to support the resolution as amended and directed to staff to prepare the resolution for the Mayor's signature.

MOTION SECONDED AND CARRIED: Moved by Kerr, seconded by Jones and passed unanimously to adopt Resolution #125-06 as amended "Approving a Memorandum of Understanding Regarding Westwind Community Barn." Councilmember O'Malley recused himself from discussion of this item and did not participate in the vote.

COUNCIL RECESSED 10:30 p.m.

COUNCIL RECONVENED TO OPEN SESSION 10:40 p.m.

9.3 Consideration of Town Participation in the Project of a Community Pool in Los Altos – Councilmember Mordo

Councilmember Mordo introduced Mr. John Day, executive committee member of SPLASH (Swimmers Promoting Los Altos Aquatics, Safety and Heath). Due to the lateness of the hour, Mordo summarized his PowerPoint presentation on the Los Altos Community Pool project. The pool project had been approved by the City of Los Altos on December 12, 2006. Mordo reviewed the project's cost estimates and funding realized to date. If the Town agreed to cooperate in the capital improvement project and operating and maintenance costs, the benefit would be access for Town residents and the building of community between the Town and City of Los Altos.

Mordo relayed a discussion he had with City of Los Altos Councilmember Casas that had clarified the different ways the Town could participate in the project that included: full partnership (financial contribution proportional to the Town's population); or, with smaller contribution, the Town would have a share in the community pool. Mordo suggested that the latter option would not promote "community" but would provide some option to residents to participate in the programs. If there was an interest in pursuing the project, Mordo suggested that a subcommittee of 1 or 2 Councilmembers could return to the City of Los Altos for additional discussions and report out to Council on their findings. Mordo added that SPLASH was looking for any amount of funding from the Town because it would assist in their solicitation for support from Town residents.

John Day expressed his belief that the partnering of the Town with the City would be an opportunity to build community. Day explained that he did not have the authority to speak on behalf of the Los Altos City Council but as a representative of the volunteers committed to the project, he believed the Town's participation would ensure that the residents of Los Altos Hills were able to use the pool and programs. Day explained that the pool would be open to everyone but most likely there would be a fee for non residents and opportunities for participation in classes might be limited because they would be

offered first to City residents and might be filled. He hoped the Council would move forward in the near future and open a dialogue on the project.

Council discussion ensued. Council questioned what the pro-rata obligation would be for the Town. Councilmember Mordo suggested that the Parks and Recreation Committee review the proposal. Councilmember O'Malley noted that the swimming pool in Los Altos could be included in the recreational preference survey that was being drafted by the Committee. Council concurred with his proposal.

Mayor Pro Tem Jones noted that it was important to determine what the denominator for Town's participation would be before a decision could be made that this would be a reasonable benefit for the Town.

10. PRESENTATIONS FROM THE FLOOR

Jitze Couperus, Los Altos Hills, commented that he believed it was imperative that Los Altos Hills' citizens were permitted to use whatever recreational resource the Town invests in and that this requirement is explicitly stated in any agreement.

Scott Vanderlip, Los Altos Hills, expressed his concern that the type of fields being proposed for the Bullis site were primarily for adult use. The large astro-turf field would be used primarily for club organizations and this could potentially impact the community field space for residents.

Kathy Evans, Los Altos Hills, agreed with Vanderlip that two small soccer fields would be more appropriate for the site and provide more recreational opportunities for residents.

Evans noted that she would not be available for discussion of agenda item 5.1.1 and wanted to remind the Council that the Public Education Committee had agreed to five key elements that they believed were critical to any negotiated settlement with the School Districts. They included: 1) the creation of a Los Altos Hills based neighborhood elementary school; 2) accounted for all the LAH elementary students who wished to attend the community elementary school; 3) provided a permanent solution with funding levels comparable to those at other PAUSD and LASD elementary schools; 4) provided a means for enrolling in and matriculating back to middle school on an equal basis with other District feeder schools; and 5) created local control of the schools by Los Altos Hills.

Rodney Robinson, Los Altos Hills resident, President MVLA soccer organization explained that his group had pledged \$500,000.00 to the Los Altos School District to build the proposed full size astro-turf soccer field. Members in the organization were youth ages 7-18 years of age. Their goal was to increase field capacity in the community and had not requested any restriction on the use of the fields. Robinson spoke to recent problems that the soccer organization had encountered with the Little League in using the Purissima fields and expressed his doubt that they would cooperate with the use of a multi-use field.

Resident, suggested that as the Council moved forward in the redistricting negotiations they consider the option of school boundary adjustments possibly using geographical

features. He believed that it was important for children to develop school friendships within their neighborhood and to be able to share school experiences.

Duncan MacMillan, Los Altos Hills, spoke to the recent redistricting hearing before the County Committee. He noted that his opinion on what the County had expressed in their comments was that they had given credit to the Town that they had problems but that the Town's "cure" was not something the majority supported. MacMillan suggested that it was important for the Town to propose an alternative before January 25th and proposed that the two School Districts sign an agreement with the County Committee as a signatory (guarantor) that they (the districts) would undertake attendance planning using the entire Town and acknowledge that it was a reasonable goal to reduce the number of resident children attending private schools (40%). If the Districts failed to come to agreement on the terms, then the County Committee would serve as arbitrator. MacMillan believed this was a reasonable start to the process. The question of Bullis School's designation as a neighborhood school and the location of the Bullis Charter School also needed to be addressed in the negotiations but his proposal was a starting point.

Roger Spreen, Open Space Committee Chair, invited the Council and staff to the Committee sponsored event "An Evening with Owls" scheduled for January 10th at 7:00 p.m. in Council Chambers.

11. PUBLIC HEARINGS

11.1 Annual Review and Approval of Revised Schedule of Fees, Deposits, Charges for Services and Other Assessments

Administrative Services Director Sarah Ragsdale introduced this item to Council. Council had before them a staff report that included the proposed revised schedule of fees. As background, Ragsdale explained that in 2003, Matrix Consulting Group had performed a study of the Town's rate schedule and recommended that it be reviewed and increased annually based on a Consumer Price Index increase. The proposed CPI increase for 2007 was 3.5%.

Ragsdale reviewed the attachments to the staff report. Attachment #1 showed that the proposed increase would reduce the subsidy that the Town had for development related fees. If the fees were adopted by Council as proposed, they would become effective February 12, 2007.

Councilmember Mordo questioned how often real costs were calculated. Ragsdale explained that a major study was undertaken by the Town and completed in 2002. At that time, the recommendations of the consultant were not approved by Council and fees were reduced. Matrix consulting was later engaged to review planning, building, and engineering departments and proposed procedural changes and recognized that the Town was not fully recovering costs and recommended that fees be increased by the CPI index. Ragsdale concurred that it would be beneficial to revisit a full study.

O'Malley explained that at the time that Council reduced the fees, the Town was recovering more than actual costs. He noted that it was difficult to predict development and estimate revenue and the methodology employed was a best effort to recover costs and not overcharge for fees.

Mayor Pro Tem Jones commented that it would not be administratively feasible or practical to have a full analysis of the fees and costs performed annually but that at a minimum a study every ten years would be beneficial. He offered that using the CPI index was a simplistic and consistent methodology for increases to the fee schedule. Jones added that as long as there was a deficit, it reflected that the Town was not overcharging for their fees.

Council discussed the option of raising the fees beyond the CPI. The consensus was to direct staff to engage a consultant to review the fee structure.

OPENED PUBLIC HEARING

No public testimony.

CLOSED PUBLIC HEARING

City Manager Cahill recommended that Council approve the proposed fee increase consistent with the CPI index and if there was an interest in addressing the deficient for next year, staff be directed to return to Council with a fee study.

MOTION SECONDED AND CARRIED: Moved by Jones, seconded by Mordo and passed unanimously to approve Resolution #116-06 "Adopting a Revised Fee Schedule to be Effective on February 12, 2007."

PASSED BY CONSENSUS OF THE COUNCIL: To direct staff to engage a consultant to review the Town's fee structure including an investigation of the variables created with fluctuating development permits. Study to be performed in 2007 and if feasible, to be incorporated into the budget.

11.2 Introduction of an Ordinance to Amend Title 8 Building Regulations to Include Energy Efficiency Standards for New Single Family Homes

City Manager Carl Cahill introduced this item. He explained that the California Energy Commission had approved the Town's Energy Efficiency Ordinance subject to certain revisions. The ordinance had established more stringent local energy efficiency standards for new single family homes and required builders to exceed California Title 24 requirements by 15%. Cahill reviewed the CEC revisions that included: the addition of an expiration date of 2008 when the Building Energy Efficiency Standards (Title 24) took effect; deletion of any references to the US EPA's Energy Star Program; and, the methodology to calculate the Photo Voltaic credit was revised to be consistent with other local energy standards. Cahill added that following the expiration of the ordinance in

2008, the Town could resubmit a new local energy standard for CEC review and approval.

Cahill commented that if Council were to reintroduce and ultimately approve the revised ordinance, it would affect a small number of homes. He noted that by the CEC comments, it appeared that they were looking to expire local ordinances and set the energy standard statewide.

Council discussion ensued. Councilmember Kerr commented that the 2008 Title 24 was expected to be more restrictive than the proposed ordinance and that there was probably no benefit to adopting something that would expire in twelve months. Mayor Pro Tem Jones added that the Council had been very proactive and innovative in their efforts to be sensitive to issues of energy and supportive of solar incentives including the elimination of fees for solar installations. Jones explained that he had advocated that a builder could meet the standard through solar use. Now given the flux that State standards were in, he questioned if this was the appropriate time for local standards. He noted that this was not foreseeable at the time that the ordinance was developed by the (Environmental Initiatives Committee) and approved by Council.

Cahill explained that in review of the Town's ordinance, the CEC had concurred that it was cost effective and the standards were achievable.

OPENED PUBLIC HEARING

Roy Woolsey, Los Altos Hills, suggested that it was important for the Council to consider how the ordinance impacted a proposed residence and property rights. He believed that a mandatory requirement that was more stringent than the State, it could potentially have a negative impact on property values because prospective buyers would consider it more difficult to build a new residence in Los Altos Hills.

CLOSED PUBLIC HEARING

Councilmember Mordo commented it was difficult to be opposed to energy efficiency but he was sympathetic to the argument that setting these requirements was not the role of the City Council. He suggested that if the ordinance was only in effect for one-two years, it would be best to stay with State standards that were currently being strengthened.

Councilmember Kerr applauded the efforts of the EIC and noted their numerous achievements. He suggested that they continue to direct their energies to those issues that were supported by the residents and the adoption of an ordinance with a limited effective date was not critical.

Councilmember O'Malley explained that he supported energy conservation and the use of solar. He offered that it was important to find ways to control energy use and the proposed ordinance was not particularly onerous. He did not believe that property values would be hindered by the local energy requirement.

Mayor Pro Tem Jones noted that he had voted in favor of the original ordinance and reiterated the importance of the Town's solar initiatives that had been adopted by Council. He requested that staff monitor solar development permits and keep Council apprised; adding that currently the issuance of permits was up. Jones added that his issue with the revised ordinance was its temporary nature with the sunset clause that had been added by the State. He suggested that rather than adopt the amended ordinance, it would be more beneficial to monitor the activities of the State.

Mayor Warshawsky concurred adding that the State currently had the most efficient energy efficiency requirements in the Country.

No action was taken by Council. The proposed ordinance was tabled.

City Manager Cahill suggested that the Environmental Initiatives Committee could review possible incentives for builders who voluntarily exceeded the Title 24 requirements. He noted that this could be adopted as a Town policy. Council concurred with his recommendation and directed staff to work with the Committee on the proposal and return to Council with a recommendation. Council expressed their interest in preserving their leadership with this important issue.

Council adjourned to Closed Session at 11:00 p.m.

12. CLOSED SESSION

Councilmember O'Malley recused himself and did not participate in discussion of the two closed session items.

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION: PURSUANT TO GOVERNMENT CODE SECTION 54956.9(A).)

Carranza et al v. Friends of Westwind et al

CONFERENCE WITH REAL PROPERTY NEGOTIATORS: PURSUANT TO GOVERNMENT CODE SECTION 54956.8

Property: 27210 Altamont Road

Agency Negotiators: Jean Mordo, Breene Kerr,

Carl Cahill and Steve Mattas

Negotiating Parties: Town of Los Altos Hills and Friends of Westwind

Under Negotiation: Lease Terms and Conditions

Council reconvened to Open Session at 11:35 p.m.

Direction was given to staff, but no reportable final action was taken.

13. ADJOURNMENT

There being no further business, the December 14, 2006 Regular City Council Meeting was adjourned by Mayor Warshawsky in memory of Dan Alexander, Los Altos Hills Community Volunteer.

Respectfully submitted,

Karen Jost
City Clerk

At the January 11, 2007 regular City Council meeting, the minutes of the December 14, 2006 regular City Council meeting were approved as corrected.